Smale

1632\$

**PATENT** 

I hereby certify that this correspondence is being deposited with the United States Postal Service on the date set forth below in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

Date of Signature and Deposit: April 6, 2004

Sara D. Vinarov, Reg. No. 48,524

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Frederick R. Blattner

Rodney A. Welch

Valerie D. Burland

Serial No.: 10/085,959

Group Art Unit:

Filed: 10/19/2001

APR 1 2 2004

Examiner:

Title: NOVEL SEQUENCES OF E. COLI CFT073

File No.: 960296.97648

Date: April <u>(</u>, 2004

REQUEST FOR CORRECTION OF INVENTORSHIP UNDER 37 C.F.R. §1.48(d)

Commissioner For Patents P.O. Box 1450 Alexandria, VA 22313-1450

Dear Sir:

Pursuant to the provisions of 37 C.F.R. §1.48(d), the applicants and assignee of the above-identified patent application hereby request for correction of inventorship to add as an inventor to this application Guy D. Plunkett III, who resides at 1613 Gilbert Road, Madison, Wisconsin 53711.

This Request is submitted because Mr. Plunkett was not named as an inventor in the application as filed, because that non-joinder of inventorship was an error, and because that error was made without deceptive intention on the part of the omitted inventor.

Submitted with this Request is a Fee Transmittal of the appropriate fee as required by 37 C.F.R. §1.17(i) charged to Deposit Account Number 17-0055.

Based on this submission, amendment of the inventorship of this application to add Mr. Plunkett is respectfully requested.

04/14/2004 DEHMANU1 00000142 170055 10085959

01 FC:1460 1

130.00 DA

A Declaration executed by all inventors is enclosed herewith.

Respectfully submitted,

Sara D. Vinarov Reg. No. 48,524

Attorney for Applicants

QUARLES & BRADY LLP

P O Box 2113

Madison, WI 53701-2113

TEL 608/251-5000

FAX 608/251-9166

APR 1 2 2004 Express Mail No.

PTO/SB/17 (10-03)
Approved for use through 07/31/2006. OMB 0651-0032
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# FEE TRANSMITTAL

for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT

(\$) 130.00

Co	omplete if Known	
Application Number	10/085,959	
Filing Date	10/19/2001	
First Named Inventor	Frederick R. Blattner	
Examiner Name	-	_
Art Unit	1632	
Attorney Docket No.	960296.97648	

METHOD OF PAYMENT (check all that apply)	FEE CALCULATION (continued)				
Check Credit card Money Other None 3. ADDITIONAL FEES					
Deposit Account:	Large Entity   Small Entity				
Deposit Account 17-0055	Fee Fee Fee Fee Fee Description  Code (\$) Code (\$)	e Paid			
Number	1051 130 2051 65 Surcharge - late filing fee or oath				
Deposit Account Quarles & Brady LLP	1052 50 2052 25 Surcharge - late provisional filing fee or cover sheet				
Name The Director is authorized to: (check all that apply)	1053 130 1053 130 Non-English specification				
Charge fee(s) indicated below Credit any overpayments	1812 2,520 1812 2,520 For filing a request for ex parte reexamination				
Charge any additional fee(s) or any underpayment of fee(s)	1804 920* 1804 920* Requesting publication of SIR prior to Examiner action				
Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.	1805 1,840* 1805 1,840* Requesting publication of SIR after Examiner action				
FEE CALCULATION	1251 110 2251 55 Extension for reply within first month				
1. BASIC FILING FEE	1252 420 2252 210 Extension for reply within second month				
Large Entity Small Entity	1253 950 2253 475 Extension for reply within third month				
Fee Fee Fee Fee Paid Code (\$) Code (\$)	1254 1,480 2254 740 Extension for reply within fourth month				
1001 770 2001 385 Utility filing fee	1255 2,010 2255 1,005 Extension for reply within fifth month				
1002 340 2002 170 Design filing fee	1401 330 2401 165 Notice of Appeal				
1003 530 2003 265 Plant filing fee	1402 330 2402 165 Filing a brief in support of an appeal				
1004 770 2004 385 Reissue filing fee	1403 290 2403 145 Request for oral hearing				
1005 160 2005 80 Provisional filing fee	1451 1,510 1451 1,510 Petition to institute a public use proceeding				
SUBTOTAL (1) (\$) 0.00	1452 110 2452 55 Petition to revive - unavoidable				
2. EXTRA CLAIM FEES FOR UTILITY AND REISSUI	1453 1,330 2453 665 Petition to revive - unintentional				
Fee from	1501 1,330 2501 665 Utility issue fee (or reissue)				
Total Claims					
Independent 3**	1503 640 2503 320 Plant issue fee				
Claims -3 =	1460 130 1460 130 Petitions to the Commissioner				
Large Entity   Small Entity	1807 50 1807 50 Processing fee under 37 CFR 1.17(q)				
Fee Fee Fee Fee Description	1806 180 1806 180 Submission of Information Disclosure Stmt 8021 40 8021 40 Recording each patent assignment per				
Code (\$)	property (times number of properties)				
1201 86 2201 43 Independent claims in excess of 3	1809 770 2809 385 Filing a submission after final rejection (37 CFR 1.129(a))				
1203 290 2203 145 Multiple dependent claim, if not paid	1810 770 2810 385 For each additional invention to be examined (37 CFR 1.129(b))				
1204 86 2204 43 ** Reissue independent claims over original patent	1801 770 2801 385 Request for Continued Examination (RCE)				
1205 18 2205 9 ** Reissue claims in excess of 20 and over original patent	1802 900 1802 900 Request for expedited examination of a design application				
		30			
**or number previously paid, if greater; For Reissues, see above **Reduced by Basic Filing Fee Paid SUBTOTAL (3) (\$) 130.00					

SUBMITTED BY				(Complete (		))	
Name (Print/Type)	Sara D. Vinarov	Registration No. (Attorney/Agent)	48,524	Telephone	608/25	1-5000	-
Signature				Date	April (	. 2004	

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

De Included on this form. Provide credit card information and authorization on P10-2036.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

I hereby certify that this correspondence is being deposited with the United States Postal Service on the date set forth below in an envelope ssed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 4-6,2004 Date of Signature and Deposit:

**PATENT** 

#### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Frederick R. Blattner

Rodney A. Welch

Valerie D. Burland

Serial No.: 10/085,959

Group Art Unit:

Filed: 10/19/2001

Examiner:

Title: NOVEL SEQUENCES OF E. COLI CFT073

File No.: 960296.97648

Date:  $\frac{4}{9}$  – 6, 2004

## STATEMENT OF INVENTOR

**Commissioner For Patents** P.O. Box 1450 Alexandria, VA 22313-1450

Dear Sir:

I, the undersigned Guy D. Plunkett III, am an inventor of the invention that is the subject of the above-identified application. Due to an error that occurred without deceptive intention on my part or on the part of anyone known to me, I was not named as an inventor in the application as it was filed on October 19, 2001. I am making this statement to facilitate correction of inventorship of this patent application.

This statement made this 29th day of March, 2004.

Express Mail Label No.

**DECLARATION FOR UTILITY OR** 

**DESIGN** 

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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Attorney Docket Number

First Named Inventor

960296.97648

Frederick R. Blattner

PATENT APPLICATION COMPLETE IF KNOWN							
(37 CFR 1	.63)	Application Num	nber 10/085	,959			
Declaration 🗸	Declaration	Filing Date	10/19/2	001			
Submitted OR with Initial		Art Unit					
Filing	(37 CFR 1.16 (e)) required)	Examiner Name					
I hereby declare that:							
Each inventor's residence, mailing address, and citizenship are as stated below next to their name.							
I believe the inventor(s) named below to be the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought on the invention entitled:							
NOVEL SEQUENCES OF E. COLI CFT073							
(Title of the Invention)							
the specification of which							
is attached hereto							
OR							
was filed on (MM/DD/YYYY) 10/19/2001 as United States Application Number or PCT International							
Application Number 10/085,959 and was amended on (MM/DD/YYYY) (if applicable).							
I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.							
I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation- in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.							
I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent, inventor's or plant breeder's rights certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed.							
Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Priority Not Claimed	Certified Cop YES	by Attached?		
		,					
Additional foreign application	numbers are listed on a s	supplemental priority dat	a sheet PTO/SB	/02B attached her	eto:		

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

# **DECLARATION** — Utility or Design Patent Application

		·			The second secon	- Marketing of the second of t
Direct all correspondence to:	Customer Nu	ımber 2	6734	_	OR O	Correspondence address below
Name Sara D. Vinarov						
Address Quarles & Brady LLP						
P O Box 2113						
City Madison				State \	WI	53701-2113 ZIP
US Country		Telephon	608/25	1-5000		608/251-9166 Fax
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.						
NAME OF SOLE OR FIRST INV	ENTOR:			A petiti	on has been fil	ed for this unsigned inventor
Given Name Frederick R. Family Name Blattner or Surname						
Inventor's Frederh R Statiner Date April 12004						
Residence: City Madison			State WI		US Country	US Citizenship
Mailing Address 1457 Jefferson St	reet		•			
Mailing Address						
City Madison	WI State			ZIP 53	3711	Country US
NAME OF SECOND INVENTOR	:			A petiti	on has been fil	ed for this unsigned inventor
Given Name Rodney A. Family Name Welch or Surname						
Inventor's Signature Date Date						
Residence: City Madison			State WI		US Country	US Citizenship
Mailing Address 1825 Van Hise Avenue						
Mailing Address						
City Madison	State WI			ZIP 537	705	US
Additional inventors are being named on the _1supplemental sheet(s) PTO/SB/02A or 02LR attached hereto.						

riease type a plus sign (+) inside this box ———————————————————————————————————	Please type a	plus sign (+) inside this box	<b>→</b>	+
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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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## **DECLARATION**

# ADDITIONAL INVENTOR(S) Supplemental Sheet Page \_\_\_ of \_\_\_

			the transfer was the second of the second				
Name of Additional Joint Inventor, if ar	ıy:		A petition has been file	ed for th	nis unsigned inventor		
Given Name (first and middle [if any])			Family Nar	ne or S	urname .		
Valerie D.		Bur	land				
Inventor's Value Bur	land				Date 4-1-04		
Residence: City Cross Plains	State WI		US Country		US Citizenship		
Mailing Address 7966 Stagecoach Road	Mailing Address 7966 Stagecoach Road						
Mailing Address							
City Cross Plains	State WI		ZIP 53528	Countr	y US		
Name of Additional Joint Inventor, if an	y:		A petition has been file				
Given Name (first and middle [if any]	)	_	Family Nar	ne or S	umame		
Guy D.		F	Plunkett III				
Inventor's Signature Sug Memby 1	•				Date 3/29/04		
Residence: City Madison	State WI		Country US		US Citizenship		
Mailing Address 1613 Gilbert Road							
Mailing Address							
City Madison	State WI		ZIP 53711	Cour	ntry US		
Name of Additional Joint Inventor, if any:					unsigned inventor		
Given Name (first and middle [if any])		T	Family	Name c	or Surname		
Inventor's Signature					Date		
Residence: City State		Country			Citizenship		
Mailing Address							
Mailing Address							
City	State		ZIP	Co	untry		



### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Frederick R. Blattner

Rodney A. Welch

Valerie D. Burland

Serial No.: 10/085,959

Filed: 10/19/2001

Title: NOVEL SEQUENCES OF E. COLI CFT073

Group Art Unit:

Examiner:

File No.: 960296.97648

Date: 4 - 6, 2004

#### CONSENT OF ASSIGNEE

Commissioner For Patents P O Box 1450 Alexandria, VA 22313-1450

Dear Sir:

I, Michael E. Falk, am Director of Intellectual Property at the Wisconsin Alumni Research Foundation (WARF). I make these statements on behalf of WARF.

The above-identified patent application either has already been or will be assigned to WARF. The inventors have previously executed documents which commit them to assign this invention to WARF.

On behalf of WARF, assignee of the above-identified patent application, WARF hereby consents to the addition of Guy D. Plunkett III as an inventor to this patent application. We understand that the omission of Mr. Plunkett in the application as filed was inadvertent and done without deceptive intention on anyone's part.

Dated	this	day of	, 2004.
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Respectfully submitted,

WISCONSIN ALUMNI RESEARCH FOUNDATION

By: ////

Michael E. Falk`

Title: Director of Intellectual Property

Date: March 15, 2004

# RESOLUTIONS OF THE RESEARCH FOUNDATION

The Board of Trustees of the Wisconsin Alumni Research Foundation, a Wisconsin non-stock corporation (the "Corporation"), met on February 6, 2004, and adopted the following resolutions:

WHEREAS, the Corporation from time to time will own or acquire technology, inventions and other intellectual property rights which may be entitled to be patented and/or copyrighted under the applicable laws of the United States and the laws of other countries:

WHEREAS, the Corporation wishes to designate and authorize a new position to manage the protection of such inventions and other intellectual property rights assigned to the Corporation; and

WHEREAS, the Corporation wishes to designate and authorize such person to execute and deliver on behalf of the Corporation applications for patents, copyrights, and all related documentation.

THEREFORE, the following resolutions be and hereby are adopted:

RESOLVED, that the Corporation hereby designates a new position, Director of Intellectual Property, to manage the protection of technology, inventions and other intellectual property rights assigned to the Corporation; and

FURTHER RESOLVED, that Michael E. Falk be and hereby is designated the first such Director of Intellectual Property; and

FURTHER RESOLVED, that Michael E. Falk be and hereby is authorized for and on behalf of the Wisconsin Alumni Research Foundation, to execute and deliver applications, powers of attorney, and related documentation to the United States Patent and Trademark Office and to comparable agencies in other countries for obtaining, maintaining and protecting patents; and

FURTHER RESOLVED, that Michael E. Falk be and hereby is authorized, for and on behalf of the Wisconsin Alumni Research Foundation, to execute and deliver applications, powers of attorney, and related documentation to the Unites States Copyright Office, Library of Congress, and comparable agencies in other countries for obtaining, maintaining and protecting copyrights of intellectual property.

Dated as of the 6th day of February, 2004.

Respectfully submitted:

APR 1 2 2004

Thomas F. Pyle, Secretary